

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARILYN FIGUEROA,

Plaintiff,

05 Civ. 9594 (JGK)

- against -

ORDER

CITY OF NEW YORK, ET AL.,

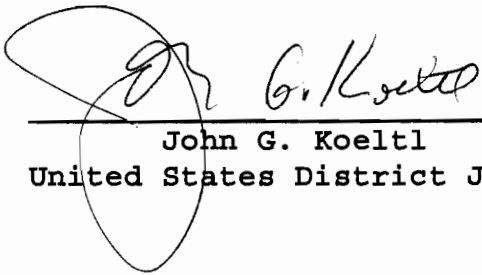
Defendants.

JOHN G. KOELTL, District Judge:

The Court has received the attached affidavit from the plaintiff which it transmits to counsel for the plaintiff and counsel for the defendants. The Court also notes that plaintiff's counsel did not serve his affirmation upon defense counsel but rather filed it under seal with the Court.

SO ORDERED.

Dated: New York, New York
May 14, 2009



John G. Koeltl
United States District Judge

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 05/15/09

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARILYN FIGUEROA,

Plaintiff,

-against-

THE CITY OF NEW YORK and NEW YORK
CITY DEPARTMENT OF SANITATION,

Defendants.

STATE OF NEW YORK)
) SS.:
COUNTY OF)

05 Civ. 9594
(JGK)

RECEIVED
MAY 14 2009
CHAMBERS OF
JOHN G. KOELTL
U.S.D.J.

MARILYN FIGUEROA, being duly sworn deposes and says:

1. I am the plaintiff in this case. When I hired Mr. Fish I expected that he would counsel and advise but not dictate. My understanding was that if the case did not settle (and the decision whether to settle is mine) he would try my case for me.

2. I do not want to settle under the proposal the City gave.

3. Last week I wrote to ask Mr. Fish to go to trial and try my case for me. Mr. Fish answered me by sending a copy of his Motion to Withdraw as counsel.

4. First, I apologize I did not know I could not write to the Court. Mr. Fish was quitting my case and I did not think he could do that. I wrote to the Court because I did not think it was fair and did not know what to do.

5. Mr. Fish cannot and should not be allowed to force me to settle. If Mr. Fish does not want to work with me anymore I cannot force him to and I guess he can quit. I will not quit. I am trying to find an attorney to take my case to trial. I think I can obtain an attorney to go to trial if Mr. Fish quits and waives his \$60,000.00 in charges. I cannot get an attorney unless there is to be no lien for fees on the file.

6. I understand if I fire Mr. Fish that I would owe him money but if like here he quits I should not owe him any money.

7. Also I believe it was wrong for Mr. Fish to put in writing all the things he thinks are wrong with my case and things he says I can't prove and send it to the City Attorney.

8. I oppose Mr. Fish quitting and charging me for the work that I must now find and pay another lawyer to do. It is not fair and it would be an injustice to me. If Mr. Fish is allowed to quit my case he should not get paid any monies because I need to be able to pay another attorney to represent me.

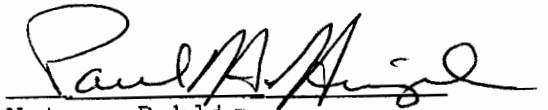
9. Mr. Fish should not be allowed to bribe me. If I won't settle he quits. If he quits and gets his fees I cannot obtain a

lawyer to go to trial and must settle. I am the client he cannot be allowed to force me to settle.

10. I am sorry to burden the Court with this situation but I cannot give up on my case. I have suffered too much. I ask the Court not to allow Mr. Fish to charge me any monies on my case if he is allowed to quit.


MARILYN FIGUEROA

Sworn to before me this
15th day of May 2009


Notary Public
PAUL H. HUNZIKER
Notary Public - State of New York
No. 01HU6168279
Qualified in Westchester County
My Commission Expires June 11, 2011